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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

SUSAN BITTER SMITH – Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

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AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
MOBILITIE, LLC FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
RADIO FREQUENCY TRANSPORT SERVICE TO
ENABLE OTHER CARRIERS, INCLUDING, BUT
NOT LIMITED TO, WIRELESS
TELECOMMUNICATIONS SERVICE
PROVIDERS, TO PROVISION THE DIRECT
TRANSMISSION OF VOICE
COMMUNICATIONS AND DATA SERVICES IN
THE STATE OF ARIZONA.

DOCKET NO. T-20913A-15-0191

Arizona Corporation Commission

DOCKETED

JUL 24 2015

DOCKETED BY

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PROCEDURAL ORDER

BY THE COMMISSION:

On June 9, 2015, Mobilitie, LLC (“Mobilitie” or “Company”), filed with the Arizona Corporation Commission (“Commission”) an application for a Certificate of Convenience and Necessity (“CC&N”) to provide radio frequency transport service to enable other carriers, including, but not limited to, wireless telecommunications service providers, to provision the direct transmission of voice communications and data services in the state of Arizona.

On July 6, 2015, the Commission’s Utilities Division Staff (“Staff”) filed a Letter of Sufficiency stating that Mobilitie’s application was sufficient under the requirements of the Arizona Administrative Code (“A.A.C.”).

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **September 17, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission’s offices, Hearing Room 2, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Staff shall file its **Staff Report** in this docket on or before **August 21, 2015**.

1 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-
2 105, except that all Motions to Intervene must be filed on or before **August 21, 2015**.

3 IT IS FURTHER ORDERED that any **objections to the Staff Report or to any Motions to**
4 **Intervene** shall be filed on or before **September 3, 2015**.

5 IT IS FURTHER ORDERED that the Company shall **publish notice** of the hearing as stated
6 below, in a newspaper of general circulation in every county in Arizona in which the Company
7 desires to provide service, as soon as possible, but no later than **August 3, 2015**, and shall **file an**
8 **Affidavit(s) of Publication** with the Commission no later than **August 17, 2015**.

9 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and
10 publication of same, notwithstanding the failure of an individual or entity to read or receive the
11 notice.

12 IT IS FURTHER ORDERED that the Company shall provide public notice of the hearing in
13 this matter, in the following form and style:

14
15 **PUBLIC NOTICE OF THE APPLICATION OF MOBILITE, LLC FOR A**
16 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE RADIO**
17 **FREQUENCY TRANSPORT SERVICE TO ENABLE OTHER CARRIERS,**
18 **INCLUDING, BUT NOT LIMITED TO, WIRELESS TELECOMMUNICATIONS**
19 **SERVICE PROVIDERS, TO PROVISION THE DIRECT TRANSMISSION OF VOICE**
20 **COMMUNICATIONS AND DATA SERVICES IN THE STATE OF ARIZONA**
21 **(DOCKET NO. T-20913A-15-0191)**

22 **Summary**

23 On June 9, 2015, Mobilite, LLC ("Company") submitted to the Arizona Corporation
24 Commission ("Commission") an application for a Certificate of Convenience and
25 Necessity to provide radio frequency transport service to enable other carriers,
26 including, but not limited to, wireless telecommunications service providers, to
27 provision the direct transmission of voice communications and data services in the
28 state of Arizona. The Commission's Utilities Division ("Staff") will issue a Staff
Report recommending approval or denial of the Company's application. The
Commission is not bound by the proposals made by the Company, Staff, or any
intervenors. The Commission will issue a decision regarding the Company's
application following consideration of testimony and evidence presented at an
evidentiary hearing.

How You Can View or Obtain a Copy of the Application

Copies of the application are available at the Company's offices [COMPANY
INSERT ADDRESS HERE] and the Commission's offices at 1200 West
Washington, Phoenix, Arizona, for public inspection during regular business hours,
and the internet via the Commission website (www.azcc.gov) using the e-docket

function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **September 17, 2015, at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, Hearing Room 2, 1200 West Washington Street, Phoenix, Arizona 85007. Public comments will be taken on the first day of the hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. **T-20913A-15-0191** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than August 21, 2015**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. T-20913A-15-0191**;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., a customer of the utility, a shareholder of the utility, etc.),
 - b. How you will be directly and substantially affected by the outcome of the case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, and 42, as applicable.

1 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except
2 that all motions to intervene must be filed on or before August 21, 2015. If
3 representation by counsel is required by Arizona Supreme Court Rule 31, intervention
will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

4 **ADA/Equal Access Information**

5 The Commission does not discriminate on the basis of disability in admission to its
6 public meetings. Persons with a disability may request a reasonable accommodation
7 such as a sign language interpreter, as well as request this document in an alternative
format, by contacting the ADA Coordinator Shaylin Bernal, E-mail
SABernal@azcc.gov, voice phone number (6520) 542-3931. Requests should be
made as early as possible to allow time to arrange the accommodation.

8 IT IS FURTHER ORDERED that the intervention granted herein is conditioned upon the
9 intervenor obtaining counsel to represent the intervenor if required by Rule 31 of the Rules of the
10 Arizona Supreme Court, and such counsel filing a notice of appearance with the Commission, within
11 30 days of the date of this Procedural Order.

12 IT IS FURTHER ORDERED that **all parties must comply with Rules 31 and 38 of the**
13 **Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in**
14 **Arizona and admission *pro hac vice*.**

15 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
16 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
17 Rules of Arizona Supreme Court). Representation before the Commission includes appearances at all
18 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
19 for discussion, unless counsel has previously been granted permission to withdraw by the
20 Administrative Law Judge or the Commission.

21 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), **each party to**
22 **this matter may opt to receive service of all filings in this docket, including all filings by parties**
23 **and all Procedural Orders and Recommended Opinions and Orders/Recommended Orders**
24 **issued by the Commission's Hearing Division, via email sent to an email address provided by**
25 **the party rather than via U.S. Mail. To exercise this option, a party shall:**

- 26 1. Ensure that the party has a valid and active email address to which the party has
27 regular and reliable access ("designated email address");
28

2. Complete a Consent to Email Service form, available on the Commission's website (www.azcc.gov);
3. File the original and 13 copies of the Consent to Email Service form with the Commission's Docket Control, also providing service to each party to the service list;
4. Send an email, containing the party's name and the docket number for this matter, to HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow the Hearing Division to verify the validity of the designated email address;
5. Understand and agree that service of a document on the party shall be complete upon the sending of an email containing the document to the designated email address, regardless of whether the party receives or reads the email containing the document; and
6. Understand and agree that the party will no longer receive service of filings in this matter through First Class U.S. Mail or any other form of hard-copy delivery, unless and until the party withdraws this consent through a filing made in this docket.

IT IS FURTHER ORDERED that a party's consent to email service shall not become effective until a Procedural Order is issued approving the use of email service for the party. The Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing Division has verified receipt of an email from the party's designated email address.

IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter via email does not change the requirement that all filings with the Commission's Docket Control must be made in hard copy and must include an original and 13 copies.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized Communications) continues to apply to this proceeding as the matter is set for public hearing.

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1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 Dated this 24th day of July, 2015.

5 

6 BELINDA A. MARTIN
7 ADMINISTRATIVE LAW JUDGE


8 Copies of the foregoing mailed/delivered
9 this 24th day of July, 2015, to:

10 Vineetha Pillai
11 MARASHLIAN & DONAHUE, LLC
12 1420 Spring Hill Road, Suite 401
13 McLean, VA 22102

14 Janice Alward, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Steven M. Olea, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 COASH & COASH, INC.
25 Court Reporting, Video and Videoconferencing
26 1802 North 7th Street
27 Phoenix, AZ 85006

28 By: 

Tammy Velarde
Assistant to Belinda A. Martin